UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,869	09/19/2003	Timo Tokkonen	KOLS.052PA	6759

7590 03/20/2006	EXAMINER
Hollingsworth & Funk, LLC	NGUYEN, KEVIN M

Hollingsworth & Funk, LLC
Suite 125
8009 34th Avenue South
Minneapolis, MN 55425

ART UNIT	PAPER NUMBER
2674	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/665,869	TOKKONEN, TIMO
		Examiner	Art Unit	
		Kevin M. Nguyen	2674	

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/19/03, 9/27/04.*

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Double Patenting

1.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

        Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2.   Claims 1-21 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-34 of copending Application No. 10/518220.

        Current application recites at least one limitation "deactivating the device lock state upon detection of a predetermined number of touches on successive images including a predetermined point"; whereas the conflicting copending

Application No. 10/518220 recites at least one limitation "deactivating the touch

screen lock once said touched on the determined contact areas are detected".

Although the conflicting claims are not identical, they are not patentably

distinct from each other because it would have been obvious to a person of

ordinary skill in the art at the time the invention was made to recognize that the

scope of the claimed invention in current Application is narrower than the scope

of the claimed invention in copending Application No. 10/518220.

This is a <u>provisional</u> obviousness-type double patenting rejection because

the conflicting claims have not in fact been patented.

3.   Claims 1-21 of this application conflict with claims 1-34 of Application No.

10/518220. 37 CFR 1.78(b) provides that when two or more applications filed by

the same applicant contain conflicting claims, elimination of such claims from all

but one application may be required in the absence of good and sufficient reason

for their retention during pendency in more than one application. Applicant is

required to either cancel the conflicting claims from all but one application or

maintain a clear line of demarcation between the applications. See MPEP § 822.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by

Narayamaswami (US 6720860).

6.   As to claim 1, Narayamaswami teaches a method of deactivating a lock

state in an electronic device [a PDA, col. 8, lines 15-16], comprising a touch

screen [a touch-sensitive region 450, col. 8, line 58], comprising:

displaying more or more images (425) on the touch screen when the

device is in the lock state [displaying (9) password authentication images on the

touch-sensitive region 450, see Fig. 6(a), col. 8, lines 58-64], of which images

one or more (425) includes at least one predetermined point [each of

rectangular/square shape 425 has four predetermined points, see Fig. 6(a), col.

9, lines 1-5];

deactivating the device lock state upon detection of a predetermined

number of touches [after the user provides a first tap of the screen after a first

element of his password is detected, the system may immediately display a

different sequence order, so that the second tap will be different, col. 9, lines 47-

55] on successive images [successive image displays, col. 10, lines 35-38]

including a predetermined point [each of image 425 has four predetermined

points, see Fig. 6(a), col. 9, lines 1-5];

Figure 6(a)
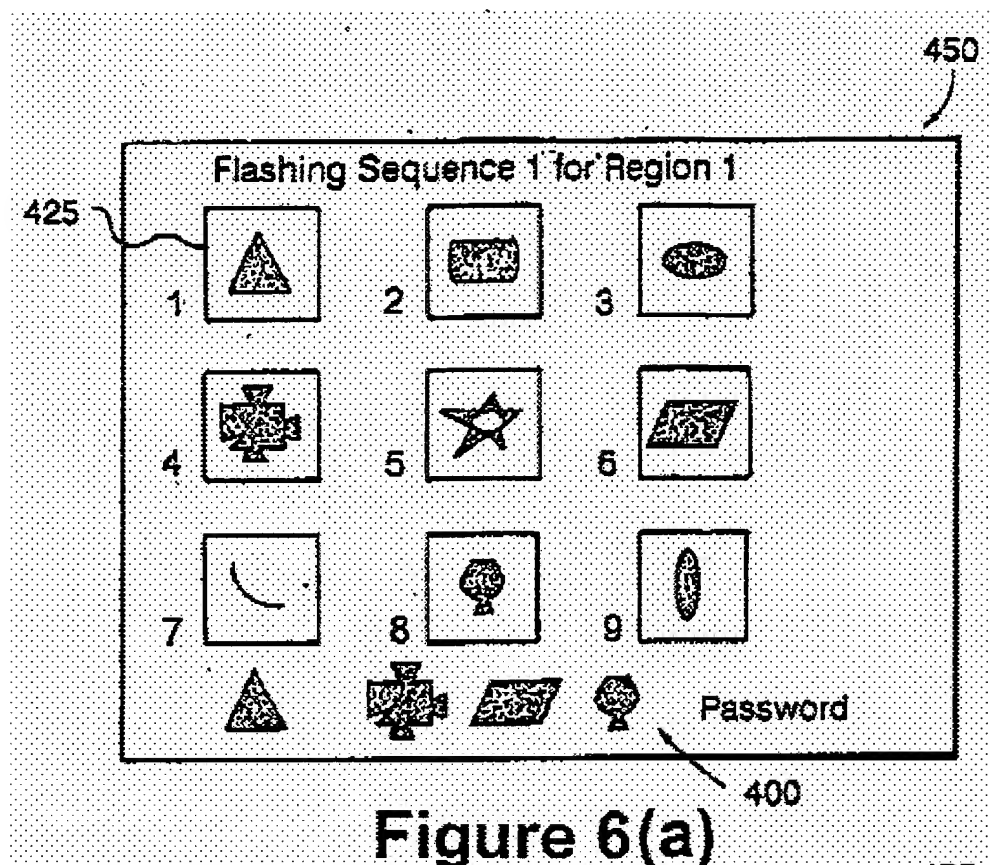
7.   As to claim 2, Narayanaswami further teaches selecting the image to be

displayed from an image database [an icon 316 for launching an application

directed to retrieving/storing/displaying display photographs and bit-mapped

images, col. 7, lines 43-46].

8.   As to claim 3, Narayanaswami further teaches selecting the image to be

displayed randomly [the user first selects the images randomly, col. 9, lines 39-

42].

9.   As to claim 4, Narayanaswami teaches wherein information about the

predetermined point is coded in the image in advance [the encrypted code or

password is coded in advance, col. 10, lines 5-12].

10.   As to claim 5, Narayanaswami further teaches maintaining, in the device, an image database from which the images are selected [when the correct image of the user's password sequence is displayed, then the user will touch the touch screen interface. If the image of the user's password sequence is not displayed, then the user will wait. The system will repeatedly flash each succeeding image of the sequence in uniform or randomly timed fashion via the interface until the correct image of the sequence is displayed, col. 10, lines 19-26].

11.   As to claim 6, Narayanaswami further teaches maintaining, in the device, a database including information about the predetermined points in the images in the image database [an icon 316 for launching an application directed to retrieving/storing/displaying digital photographs and bit-mapped images, col. 7, lines 43-45].

12.   As to claim 7, Narayanaswami further teaches wherein an image includes more than one predetermined point, the method further comprising: selecting one of these points as a point to be touched by means of a predetermined parameter each time the image is displayed [the user will press on the first image (triangle) then wait and press on the fourth image (camcorder) then wait and press on the sixth image (parallelogram) and then the eighth image (face) which is essentially an evenly spaced flashing time sequence. It is understood that the time difference between successive image displays is programmable and may range from tens of milliseconds to several hundreds of milliseconds, col. 10, lines 31-38].

13.   As to claim 8, Narayanaswami teaches wherein the predetermined

parameter is a date or a day of the week [an icon 312 for launching an

application directed to displaying/maintaining calendars, col. 7, lines 39-41].

14.   As to claim 9, Narayanaswami teaches wherein the predetermined

parameter is a user ID registered as the user in the device before the transfer to

the lock state [This may include some unique encrypted code that is wirelessly

broadcast to the watch. The Wrist Watch device will then receive the encrypted

code and decode it and reset the login program so that the user may attempt to

log in again. In order for the code to be sent over the wireless channel, the user

will have to call a service, authenticate himself by providing something like a

social security number or unique id, col. 10, lines 5-12].

15.   As to claim 10, Narayanaswami further teaches comprising:

        reading the image from the image database [a memory includes DRAM 58

and SRAM 59 for reading the image from the image database, fig. 2];

        reading information about the predetermined point in the image [after the

user provide a first tap of the screen after a first element is detected, the system

may immediately display a different sequence order, so that the second tap will

be different, col. 9, lines 46-50];

        displaying the image on the display until a touch on the touch screen is

detected [displaying (9) password authentication images on the touch-sensitive

region 450, see Fig. 6(a), col. 8, lines 58-64] or until a predetermined period of

time has elapsed [the time difference between successive image displays is

programmable and may range from ten of milliseconds to several hundreds of

milliseconds, col. 10, lines 36-38];

checking if a predetermined number of touches on successive images

including a predetermined point is detected, whereby the device lock is

deactivated; otherwise, a new image is read from the database [if the user

misses the opportunity to press an icon, e.g., the parallelogram, the sequence

will be repeated so that the user my try to catch it in the next iteration. After a

predefined number of iterations, e.g., five (5), the system will lock the user out

and an alternative means of resetting the login program is invoked in order to

reset the system, col. 9, line 66 through col. 10, line 5].

16.   As to claim 11, Narayanaswami further teaches comprising detecting a

touch on a predetermined point by means of the touch screen [see claim 10 for

detecting the first tap and the second tap].

17.   As to claim 12, Narayanaswami further teaches comprising detecting a

touch on a predetermined point by means of a pointer means in the device [see

claim 10 for detecting the first tap and the second tap by the touch-sensitive

display panel].

18.   As to claim 13, Narayanaswami further teaches an electronic device [Fig.

2] configured to enter a lock state upon the fulfillment of a predetermined

condition, the device comprising

a touch screen [a touch panel 90, Fig. 2];

means for displaying one or more images [425, fig. 6a] on the touch

screen when the device is in the lock state, of which images one or more

includes at least one predetermined point;

detection means [the CPU 55, col. 6, lines 10-11] for detecting a touch on

a predetermined point in one or more images [see claim 10 for detecting the first

tap and the second tap by the touch-sensitive display panel]; and

means for deactivating the device lock state upon detection of a

predetermined number of touches on successive images including a

predetermined point [after the user provides a first tap of the screen after a first

element of his password is detected, the system may immediately display a

different sequence order, so that the second tap will be different, col. 9, lines 47-

55, including a predetermined point at any point in time, col. 9, line 55].

19.   As to claim 14, Narayanaswami further teaches wherein the device

includes means for maintaining an image database, and selecting means for

selecting the image to be displayed at each particular time from the image

database [claim 14 shares the same limitations as those of claims 5 and 6

and therefore the rationale for rejection will be the same].

20.   As to claim 15, Narayanaswami teaches wherein the selecting means are

configured to select the image to be displayed at each particular time from the

image database randomly [col. 10, lines 13-29].

21.   As to claim 16, Narayanaswami teaches wherein the image database

includes images, in which information about the predetermined point is coded in

advance [the user first pre-selects the choices comprises his/her password such

as geometric shapes, animals, people or combination thereof, col. 8, lines 27-33].

22.   As to claim 17, Narayanaswami teaches wherein the device includes

means for maintaining a database [claim 17 shares the same limitations as those

of claim 6 and therefore the rationale for rejection will be the same] including

information about the predetermined points in the images in the image database

[after the user provides a first tap of the screen after a first element of his

password is detected, the system may immediately display a different sequence

order, so that the second tap will be different, col. 9, lines 47-55, including a

predetermined point at any point in time, col. 9, line 55].

23.   As to claim 18, Narayanaswami teaches wherein the touch screen [the

touch-sensitive screen panel 90, fig. 2] is configured to transfer information about

information about a touch on a predetermined point to the detection means [the

CPU 55, col. 6, lines 10-11].

24.   As to claim 19, Narayanaswami teaches wherein the device comprises

pointer means [the touch-sensitive screen panel 90, fig. 2] configured to transfer

information about a touch on a predetermined point to the detection means [the

CPU 55, col. 6, lines 10-11].

25.   As to claim 20, Narayanaswami teaches wherein the pointer means is

realized with a touch-pad [the touch-sensitive screen panel 90, fig. 2].

26.   As to claim 21, Narayanaswami teaches an electronic device configured

to enter a lock state upon the fulfillment of a predetermined condition, comprising

a touch screen [a touch panel 90, Fig. 2]; and a controller [a CPU 55, Fig. 2]

configured to display one or more images [425, Fig. 2] on the touch screen when

the device is in the lock state, of which images one or more includes at least one

predetermined point [each of image 425 has four predetermined points, see Fig.

6(a), col. 9, lines 1-5];

wherein the controller [the CPU 55] is further configured to detect a touch

on a predetermined point in one or more images [425]; and to deactivate the

device lock state upon detection of a predetermined number of touches on

successive images including a predetermined point [after the user provides a first

tap of the screen after a first element of his password is detected, the system

may immediately display a different sequence order, so that the second tap will

be different, col. 9, lines 47-55, including a predetermined point at any point in

time, col. 9, line 55].

Conclusion

27.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Kevin M. Nguyen whose telephone number is

571-272-7697. The examiner can normally be reached on MON-THU from 8:00-

6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, a

supervisor Richard A. Hjerpe can be reached on 571-272-7691. The fax phone

number for the organization where this application or proceeding is assigned is

571-273-8000.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the Patent Application

Information Retrieval system, see http://portal.uspto.gov/external/portal/pair.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin M. Nguyen
Patent Examiner
Art Unit 2674

KMN
March 13, 2006